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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 IN RE: FACEBOOK, INC., CONSUMER
12 PRIVACY USER PROFILE LITIGATION

MDL NO. 2843
Case No. 3:18-md-02843-VC

13 This document relates to:

14 ALL ACTIONS
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**LEAD COUNSEL APPLICANT TINA
WOLFSON'S RESPONSE TO
PRETRIAL ORDER NO. 3**

Tina Wolfson's Response to Pretrial Order No. 3

On behalf of Plaintiff Audrey Diaz Sanchez, Tina Wolfson of Ahdoot & Wolfson, PC ("AW") respectfully submits the following information in response to the Court's Pretrial Order No. 3:

I. AW team of lawyers to work on this Litigation in addition to Ms. Wolfson

If appointed Lead Counsel, Ms. Wolfson anticipates that the following core team of lawyers will work with her on this matter: partner Theodore Maya, senior associate Courtney Ballard Searcy, and associate Vanessa Shakib. When necessary, Ms. Wolfson will expand the team to include additional attorneys from our firm.

In addition to providing the benefits of extensive expertise in complex litigation in general, and privacy class actions in particular, this core team reflects the diversity of the Bar and the plaintiff class – from the standpoint of gender, ethnicity, age, background, and work experience – following guidance from the Duke Law Center for Judicial Studies Standards and Best Practices for Large and MassTort MDLs ("Duke Standards"). The guidance encourages "appointment of an experienced slate of attorneys" who will "fairly represent all plaintiffs, keeping in mind the benefits of diversity of experience, skills, and backgrounds."

Theodore W. Maya

Mr. Maya graduated from UCLA Law School in 2002 after serving as Editor-in-Chief of the UCLA Law Review and publishing *To Serve and Protect or to Betray and Neglect: The LAPD and Undocumented Immigrants*, 49 UCLA L. Rev. 1611 (2002). After law school, he served as a Law Clerk to the Honorable Gary Allen Feess in the United States District Court for the Central District of California. Mr. Maya then worked as a litigation associate in the Los Angeles offices of Kaye Scholer LLP for approximately eight years, actively litigating a large variety of complex commercial cases from inception to trial.

As a partner at Ahdoot & Wolfson, Mr. Maya brings deep experience litigating many types of cases through intense law and motion practice and through trial and has

1 helped the firm create new legal precedent and advance the rights of consumers across
2 the nation.

3 Mr. Maya and Ms. Wolfson often work hand in hand on privacy class actions. His
4 legal acumen, advocacy skills and technological know-how are extraordinary. His efforts
5 have been instrumental in many of AW's successes in this field. Mr. Maya's work
6 advanced the legal strategy, briefing, and arguing of the appellate victory in the seminal
7 Article III standing opinion in *Neiman Marcus* highlighted in Ms. Wolfson's lead
8 application (Dkt. 44).

9 Mr. Maya was also Ms. Wolfson's "right hand man" in her service as Co-Lead
10 Counsel in the *Experian Data Breach Litigation*, contributing significant efforts at every
11 part of the litigation, including overall strategy, pre-filing investigation and initial case
12 management work, brief writing, discovery, and settlement. He has provided similar
13 indispensable support in *Premiera*, *OPM*, *UCLA*, *Torrance Memorial*, *Washington State*
14 *University* and *Yapstone* data breach class actions.

15 Similarly, Mr. Maya's legal and technological skills are pivotal in advancing the
16 biometric privacy claims in the *Google* and *Shutterfly* class actions pending in the
17 Northern District of Illinois.

18 Finally, Mr. Maya has provided the indispensable support in other cases pending
19 in the Northern District of California, such as in the *Uber FCRA Litigation* (including
20 defending the appeal of Judge Chen's arbitration denial ruling in the Ninth Circuit) and
21 *McKnight v. Uber* (preliminarily approved direct payment non-reversionary \$32.5
22 Million fund settlement; final approval stayed by Judge Tigar *sua sponte* pending
23 *Hyundai en banc* review petition) and *Kirby v. McAfee* (Judge Davila).

24 Mr. Maya received the 2011 President's Award from Public Counsel for his *pro*
25 *bono* efforts. Additional recognitions include being named the "Advocate of the Year"
26 for 2007 by the Consumer Law Project of Public Counsel for successful *pro bono*
27 representation of a victim of a large-scale equity fraud ring.
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Courtney E. Ballard Searcy

Ms. Ballard Searcy graduated from Duke University School of Law in 2007 with both a Juris Doctor degree and an L.L.M. in International Law, as a Merit/Academic Achievement Scholarship Recipient. She brings a wealth of complex litigation experience – including five years as an associate at the preeminent trial firm of Quinn Emanuel Urquhart & Sullivan, LLP – to her position as Senior Associate at Ahdoot & Wolfson, which will be a tremendous benefit to the interests of the purported plaintiff class in this case. Ms. Ballard Searcy’s ability to aggressively advance several facets of highly complex cases on simultaneous tracts, her international litigation experience, her incredible legal acumen and advocacy skills, including advocating before governmental regulatory and prosecutorial entities, and her familiarity with complex technologies and numerous intellectual property issues will prove to be invaluable assets to the plaintiff class in the prosecution of this case.

While still at Duke in the Summer of 2005, Ms. Ballard Searcy gained international litigation experience as a summer associate at Nagashima Ohno & Tsunematsu in Tokyo, Japan, where she researched and drafted memoranda of law for topics including white collar crime in Asian countries and Eastern economies, provided English editing services for legal documents drafted for financial transactions, and attended international symposia for transactional legal issues, among other duties.

As a summer associate in the Summer of 2006 and then an associate at Quinn Emanuel from 2007 through 2012, Ms. Ballard Searcy gained invaluable complex litigation experience as she tirelessly litigated numerous complex civil cases from initial pleadings through discovery, trial, and appeal, and participated in all aspects of discovery, trial, and post-trial practice, including: preparing initial case strategy, budget analyses and case assessments, motions to dismiss, motions for summary judgment, discovery motions, mediation briefs, pre-trial and post-trial briefs and motions; coordinating electronic discovery on multiple platforms; creating and applying search terms to assist in narrowing discovery; liaising with in-house counsel and co-counsel, including firms

1 located internationally; writing offensive and defensive discovery; preparing witnesses
2 for deposition and trial; conducting mock depositions of witnesses, including senior
3 executives and experts; preparing deposition examination outlines; working with and
4 preparing experts for trial; preparing trial examinations; coordinating third party
5 discovery; overseeing massive document reviews and productions, including direct
6 supervision of teams of more than 90 document reviewers; and supervising junior
7 associates as well as contract attorneys and staff.

8 Her notable representations included representing the following clients: Trust
9 Company of the West in a California State case involving claims of trade secret
10 misappropriation, breach of fiduciary duty, breach of contract, and interference with
11 contractual relations; Mattel, Inc. in a federal court case involving claims of copyright
12 infringement, breach of contract, unfair competition, trade secret misappropriation, and
13 RICO; Samsung in a federal patent infringement case involving multiple design and
14 utility patents and trade dress claims; Nokia in a global patent infringement case including
15 disputes over licensing fees for communications technology; a high net worth individual
16 in a bankruptcy recovery action; a member of a limited liability company in a breach of
17 fiduciary duty and minority shareholder oppression action. She also prepared submissions
18 of wrongdoing to the U.S. Securities and Exchange Commission, the U.S. Attorney, and
19 the Special Inspector General, Troubled Asset Relief Program (“SIGTARP”); prepared
20 presentations and attended meetings with the U.S. Attorney regarding potential criminal
21 charges; investigated and researched criminal activity as the factual basis for potential
22 charges; liaised with the client and third parties; supervised multi-million page document
23 productions to the U.S. Attorney and SIGTARP and maintained an electronic document
24 database for document transmission.

25 Prior to joining Ahdoot & Wolfson, Ms. Ballard Searcy further honed her litigation
26 skills as a contract attorney at Karish & Bjorgum, PC in Pasadena California, with a focus
27 on intellectual property right cases involving copyright and trademark infringement and
28 trade secrets, and at Thomas, Alexander, Forrester & Sorensen LLP in Venice, California,

1 where she litigated ERISA disputes and prosecuted complex accounting firm malpractice
2 cases through civil litigation as well as consulting with governmental agencies, such as
3 the Federal Deposit Insurance Corporation in the Middle District of Alabama.

4 After joining Ahdoot & Wolfson in the Spring of 2018, Ms. Ballard Searcy has
5 successfully applied her experience, expertise, and talents into prosecuting class actions
6 on behalf of consumers and employees.

7 Prior to dedicating herself to a career in the law, Ms. Ballard Searcy made a
8 difference by working with disadvantaged youth as a Director of Learning, supervisor
9 and teacher for below-grade level youth (Knowledgepoints, Inc., Portland, OR); as
10 supervisor and case manager for emotionally and behaviorally disturbed youth (Eliada
11 Homes, Inc., Asheville, NC); and created and implemented curriculum for high school
12 students in a non-institutional corrections program for adjudicated girls (Alternative
13 Youth Adventures, Salem, SC).

14 Currently, despite her busy work schedule, and the 24/7 job of mothering a toddler,
15 Ms. Ballard Searcy continues to make time for public service as an elected District A
16 Representative for the Los Feliz Neighborhood Council.

17 Ms. Ballard Searcy's publications include: Sex Ratios and the r/K Continuum,
18 Youngstown University Press, 1999; Instructor's Manual to Law Enforcement in the
19 U.S., Aspen Publishers, 2000.

20 **Vanessa T. Shakib**

21 Ms. Shakib is a 2012 graduate of George Mason University School of Law. She
22 served as Senior Notes Editor of the Journal of International Commercial Law, Student
23 Bar Association Treasurer, and a member of the Moot Court Board. Following her
24 graduation, Ms. Shakib was a litigation associate at Wasserman, Comden, Casselman &
25 Esensten, LLP, where she worked on complex business litigation cases, public entity
26 liability cases, and worked pro bono on issues related to animal welfare.

27 At Ahdoot & Wolfson, Ms. Shakib contributes her extraordinary research, case
28 development, legal brief writing, and compelling oral argument skills to represent "the

1 little guy” in civil rights, consumer rights, and taxpayer rights cases. She also continues
2 her pro bono efforts toward animal welfare.

3 Most recently, Ms. Shakib’s efforts have benefited U.S. and foreign class members
4 in our work as a member of the Plaintiffs’ Executive Committee in the *Apple Inc. Device*
5 *Performance Litigation*, No. 5:18-md-02827-EJD (N.D. Cal.), in which she vetted and
6 collected evidence from dozens of class representatives for the master consolidated
7 complaint in the course of a mere two weeks; she argued against the defendant’s motion
8 for summary judgment and drafted appellate briefing in *Aquino v. City of Long Beach*,
9 No. B284893 (Cal. Ct. App.), challenging alleged violations of California’s Propositions
10 218 and 26; she briefed and argued plaintiff’s motion for preliminary injunction in
11 *Williams v. City of New York*, No. 1:17-cv-02303-RJD-SMG (E.D.N.Y.), challenging
12 allegedly unconstitutional conditions of confinement on Rikers Island; she assisted in
13 briefing and argued in support of final approval in *Eck v. City of Los Angeles*, No.
14 BC577028 (Cal. Super. Ct.), a \$295 Million settlement in a class action arising out of
15 alleged violations of California’s Propositions 218 and 26; and she plays a vital role in
16 litigating *Kaskorkis v. General Nutrition Centers, Inc.*, No. 3:16-cv-00990-WQH-AGS
17 (S.D. Cal.), challenging allegedly deceptive discount advertisement.

II. List of every Northern District of California case in which Ms. Wolfson has served as lead or co-lead counsel

Case Name	Case Number	Judge
<i>In re Apple Inc. Device Performance Litigation</i> (serving as PEC member)	5:18-md-02827-EJD	Hon. Edward J. Davila
<i>In re Uber FCRA Litigation</i>	3:14-cv-05200-EMC	Hon. Edward M. Chen
<i>McKnight v. Uber Technologies, Inc.</i>	3:14-cv-05615-JST	Hon. Jon S. Tigar
<i>In re Yapstone Data Breach</i>	4:15-cv-04429-JSW	Hon. Jeffrey S. White
<i>Trammell v Barbara's Bakery, Inc.</i>	3:12-cv-02664-CRB	Hon. Charles R. Breyer
<i>Kirby v. McAfee, Inc.</i>	5:14-cv-02475-HRL	Hon. Howard R. Lloyd

Respectfully submitted,

Dated: July 17, 2018

/s/ Tina Wolfson

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